

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0444-01
Bill No.: HB 51
Subject: Children and Minors: Crimes and Punishment; Education, Elementary and Secondary; Elementary and Secondary Education Dept
Type: Original
Date: January 17, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	Greater than (\$100,000)	Greater than (\$100,000)	Greater than (\$100,000)
Total Estimated Net Effect on General Revenue Fund	Greater than (\$100,000)	Greater than (\$100,000)	Greater than (\$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
School Districts*	\$0	\$0	\$0

*Although certain school districts could be affected by loss of state aid, other districts could see in an increase in allocation; however, the total net effect to school districts would be \$0

FISCAL ANALYSIS

ASSUMPTION

The following agencies/offices/commissions would not be impacted fiscally by this bill:
Department of Elementary and Secondary Education, Office of Attorney General, Office of State Courts Administrator.

Officials from the **Department of Social Services - Division of Youth Services (DYS)** stated that the fiscal impact of this proposal on DYS would be difficult to estimate. Potentially, a larger number of youth alleged to have or adjudicated for committing a felony could be committed to the division in order to provide an opportunity to complete his/her education. Passage of this proposal would add youth who have committed Statutory Rape, Sexual Assault, Sexual Misconduct, Promotes Prostitution, or is a persistent Prostitution offender to those who are not able to return to a program of regular instruction. Youth, who were not previously committed to the division, may be committed under this provision so educational development could continue.

In 2000, there were approximately 8,900 youth statewide referred to juvenile court for having committed a felony. If school districts exercise their right, under this provision, to suspend all youth alleged, indicted, convicted or adjudicated for having committed a felony, the risk of committing larger numbers of youth to the Division of Youth Services increases. If this were to result in a 5% increase in the number of youth committed to DYS, the division would see an additional 60 youth committed. It is currently estimated that it costs \$39,468 per bed for a

ASSUMPTION (continued)

community-based residential facility. Youth not productively involved in school or employment are more likely to offend, and thus increasing the chances of DYS commitment. Additionally, under this provision, youth who have committed, or alleged to have committed, felonies may not be permitted to return to school even after court intervention and/or course of treatment. The costs of providing the youth with an option of alternative education programming in community care and/or aftercare would be increased.

The division is unable to estimate the fiscal impact of this bill because of the uncertainty of how public school districts will exercise their option of suspending youth alleged or adjudicated for felony offenses. The ability of the court to develop appropriate community interventions cannot be predicted if school enrollment is not an option. Further, the division is unable to estimate the duration of the suspensions that could imposed by the school districts. However, costs would exceed \$100,000 if only three additional youth were committed to a residential facility rather than attending school for one year.

Oversight assumes that although certain school districts could be affected by loss of state aid due to reduction in average daily attendance, other districts could see an increase in their allocation with the additional funding made available.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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GENERAL REVENUE

Cost - Department of Social Services -
 Division of Youth Services

Youth program costs	Greater than <u>(\$100,000)</u>	Greater than <u>(\$100,000)</u>	Greater than <u>(\$100,000)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Greater than (\$100,000)</u>	<u>Greater than (\$100,000)</u>	<u>Greater than (\$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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SCHOOL DISTRICTS*	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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*Although certain school districts could be affected by loss of state aid, other districts could see in an increase in allocation; however, the total net effect to school districts would be \$0.

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Current law permits a school board to suspend a pupil after notice and a hearing when the pupil has been charged with, convicted of, or pled guilty to a felony criminal violation. This proposal clarifies that the pupil must have been convicted of a state or federal felony criminal violation; that an indictment has been filed alleging the pupil has committed the violation for which there has been no final judgment; or a petition has been filed that the pupil committed an act or the pupil has been adjudicated to have committed an act which, if committed by an adult, would be a felony criminal violation.

This proposal also changes provisions in the Safe Schools Act by expanding the list of offenses for which a pupil may be prohibited from participating in regular programs of instruction to include any felony offense pursuant to Chapter 566, RSMo (sexual offenses) and Chapter 567, RSMo (prostitution).

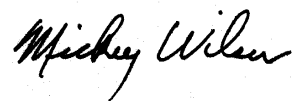
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Office of Attorney General
Office of State Courts Administrator
Department of Social Services
Division of Youth Services

NOT RESPONDING

Department of Corrections



Mickey Wilson, CPA

L.R. No. 0444-01
Bill No. HB 51
Page 5 of 5
January 17, 2003

Director
January 17, 2003

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